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TAGS: [PGOV](#) [PHUM](#) [KIRF](#) [KJUS](#) [KWMN](#) [KTIP](#) [JO](#)
SUBJECT: JORDAN: CONVICTED POET DEMARCHE DELIVERED

REF: A. STATE 95503
[1](#)B. AMMAN 1529
[1](#)C. 08 AMMAN 2973

Classified By: Ambassador R. Stephen Beecroft for reasons 1.4 (b) and (d).

[1](#)1. (C) Post delivered reftel points to Prime Minister Nader Al-Dahabi, Justice Minister Ayman Odeh, and Ministry of Foreign Affairs Americas Bureau Chief Samer Naber. In advance of reftel, the Ambassador stressed to Royal Court Chief Nasser Lozi the need to find a suitable solution as the poet's imprisonment would be unacceptable internationally and damage Jordan's interests and reputation, including in the U.S. Lozi was familiar with the case and understood that Samhan's conviction sends the perception that freedom of speech and religion are severely limited in Jordan. The Ambassador also raised reftel with PM Dahabi, who was familiar with the case. Dahabi asserted that the case places the government between a rock (conservative elements of society) and a hard place (international and local civil society, media, and foreign governments). Both officials, however, promised to look for solutions in properly resolving the case.

[1](#)2. (C) Naber was familiar with the case and acknowledged the potential for international criticism if the ruling against Samhan is affirmed on appeal. He agreed that Jordan "has to watch out on this case" and fully consider the public relations implications. Naber was also frustrated at the lack of information sharing on the particulars of the case between MFA and other parts of the Jordanian government.

[1](#)3. (C) Poloffs reviewed the case at length with Justice Minister Odeh and explored ways to resolve the case without violating Jordanian laws or the integrity of the judicial process. In doing so, Odeh found a judicial irregularity that must be addressed. The Court of First Instance sentenced Samhan to one-year imprisonment based on Penal Code article that prohibits insulting religious sentiment. The Court also fined Samhan \$14,000 for violating a Press and Publications Law article that prohibits the slandering of Islam. Odeh indicated that an individual cannot be punished twice, using two different laws, for the same alleged offense. In this instance, Odeh thought an Appellate Court could easily throw out one of the punishments even without ruling on the case itself. Odeh stressed the sensitivities in the case and that he would not, or should not, interfere with court proceedings. Odeh did state, however, that the case would be followed closely and the Ministry would become involved to address any irregularities.

[1](#)4. (C) Odeh also discussed confusing language in the court's decision that made it unclear who is responsible for payment of the \$14,000 fine -- Samhan, or his publishing house. Poloffs were informed that the publishing house lodged an objection before the Court of First Instance. Odeh explained that the publishing house is unable to appeal any part of the court's decision as they were not a defense party or present at any of the trials but that they could lodge an objection. The publishing house was scheduled to present their objection

before the court on September 30. Odeh also explained to Poloffs that Samhan has not yet been "served" the verdict, as he was not present when the court made its ruling, and that the attorney general's office is in "no rush" to do so. As such, there is no appeals process to discuss yet. Once the appeal process is initiated, the appellate court's decision will be final with no further possibility to appeal. (Note: Samhan confirmed that the verdict has not been served. End Note)

15. (C) Comment: The meeting with Odeh was very open and informative. A major step forward would be the elimination of either the penal code or press and publications law conviction -- Odeh thought the prison sentence should be the one eliminated as the case revolves around a publication but that such a decision would be up to the court. What is clear is that a final outcome may not come for a year or more. Even once Samhan is served and an official appeal lodged, Odeh confirmed that the Appellate Court would probably not start proceedings for at least six months. Post will continue to discuss this case with relevant interlocutors and use it as an opportunity to push for enhanced freedom of speech and religion in Jordan. End Comment
Beecroft